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ABSTRACT

This booklet was designed as a guide for administrators involved in the school desegregation process in Illinois. The following information is provided: a list of requirements for the elimination and prevention of school segregation and racial discrimination under Illinois' School Code; a model for local districts to use in implementing desegregation; a framework for the investigative and hearing process to be conducted by the State Board of Education, either upon receipt of a complaint alleging discrimination or when the Board has reason to believe such discrimination may exist; and a list of services provided by the State to help local schools with desegregation activities. Appended is a statement (issued in November 1982) by Edward Copeland, then-Chairman of the State Board of Education, regarding desegregation progress and the role of the State Board. (CMG)

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School Desegregation Requirements under The School Code of Illinois

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SCHOOL DESEGREGATION

REQUIREMENTS UNDER THE SCHOOL CODE OF ILLINOIS

Illinois State Board of Education Procedures for Implementing Section 22-19 of The School Code and Guidelines for Local Districts in Implementing Section 10-21.3 of The School Code (the Armstrong Act).

Donald G. Gill
State Superintendent of Education

Walter W. Naumer, Jr., Chairman
Illinois State Board of Education

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Illinois
State Board of
Education

EDUCATION IS EVERYONE'S FUTURE

100 North First Street
Springfield, Illinois 62777
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Walter W. Naumer, Jr., Chairman
Illinois State Board of Education

Donald G. Gill
State Superintendent of Education

April 10, 1984

M E M O R A N D U M

TO: Local School District Superintendents
Regional Superintendents

FROM: Donald G. Gill

SUBJECT: School Desegregation: Guidelines for Local Districts and State Board of Education Procedures

Following the decision of the Illinois State Supreme Court in October, 1982, we informed you of the Court's determination that, under Illinois statute, the responsibility for ensuring compliance with the Armstrong Act (Section 10-21.3 of The School Code) rests with local boards of education. The Court further determined that the authority of the State Board of Education in combating discrimination was found in Section 22-19 of The School Code.

On November 18, 1982, then-State Board of Education Chairman Edward Copeland issued a statement to the Board describing the background for this decision and its implications. In this statement, which is provided as Appendix A, Mr. Copeland emphasized the continuing commitment of the Board to ensuring equal educational opportunities for all Illinois school children and directed staff to develop procedures and guidelines for implementation of both the Armstrong Act and Section 22-19 of The School Code.

The State Board of Education has unanimously accepted the enclosed Guidelines for Local School Districts on Implementing Section 10-21.3, the Armstrong Act, and the State Board's Procedures for Implementing Section 22-19 of the School Code of Illinois, and directed their distribution to local districts.

The Armstrong Guidelines are intended to assist local districts in fulfilling their responsibility to eliminate and prevent racial segregation in schools; the Section 22-19 procedures provide a framework for the investigation and hearing process to be conducted by the State Board of Education, either upon receipt of a complaint alleging discrimination or when the Board has reason to believe such discrimination may exist.

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Chicago, Illinois 60601
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Additionally, the State Board authorized the printing and dissemination of a brochure intended to inform citizens of their statutory rights and remedies in this area. A copy of this brochure has also been enclosed.

If you have any questions on the Guidelines or Procedures, please contact the Equal Educational Opportunity Section of the State Board of Education, Pat Wofford, Manager, 188 West Randolph Street, Room 627, Chicago, Illinois 60601, 312/793-3226.

REQUIREMENTS FOR THE ELIMINATION AND PREVENTION OF SCHOOL SEGREGATION AND RACIAL DISCRIMINATION UNDER THE SCHOOL CODE OF ILLINOIS

I. De Jure Segregation and Discrimination on the Basis of Color, Race, Nationality or Religion

De jure school segregation is segregation which is the intended result of actions or failures to act on the part of public officials. Such segregation is a violation of the 14th amendment to the United States Constitution and Title VI of the Civil Rights Act of 1964. De jure segregation is also prohibited by The School Code of Illinois.

Section 10-22.5 of The School Code guarantees that:

> ...no pupil shall be excluded from or segregated in any such school on account of his color, race, sex or nationality.

Section 22-19 of The School Code establishes a procedure under which the State Board can enforce this prohibition of de jure segregation of students and discrimination against students and school personnel on the basis of color, race, nationality or religion.

When the State Board of Education receives a complaint signed by at least 50 residents of a school district or 10% of the residents (whichever is less), charging either that students have been segregated on the basis of their race, nationality of religion, or that school employees or applicants for employment have been discriminated against on the same basis, the State Board shall notify the local district of the complaint and, within 30 days, set a date for a hearing on the charges. If it is determined as a result of this hearing that the charges are valid, the State Board shall send its findings to the Illinois Attorney General for legal action.

Official actions which have been accepted in federal courts as constituting acts of de jure segregation in Northern school districts include:

A. Drawing school boundaries in a manner which incorporates patterns of residential segregation into the school attendance pattern.

B. Establishing special attendance zones, within which students are free to choose which of two or more schools they will attend, when such choices allow students to avoid attending a school containing students of other races.

C. Selecting sites for new school construction and determining the size of new schools with the intent of containing minority students within a given building.

D. Building additions on, or placing temporary classrooms at the site of, single-race schools which have become crowded, rather than transferring excess students to other schools with space, which are attended by students of a different racial/ethnic group.

E. Transferring students whose school has been temporarily or permanently closed or which has exceeded its enrollment capacity to other schools in which their racial or ethnic group is already in the majority, when space is available at schools in which their attendance would contribute to school desegregation.

F. Assigning faculty and other school personnel in a segregative manner and thus contributing to the racial identity of the schools.

G. Segregating students within the classrooms of desegregated buildings by means of various classification or grouping practices.

II. De Facto School Segregation

De facto school segregation is segregation which is not the intended result of actions or failures to act on the part of public officials. The elimination of such segregation is not required under federal law; however, several states, including Illinois, have adopted laws requiring the elimination and prevention of such segregation.

Section 10-21.3 of The School Code of Illinois establishes that one of the responsibilities of a local board of education in Illinois is:

> To establish one or more attendance units within a district. As soon as practicable, and from time to time thereafter, the board shall change or revise existing units or create new units in a manner which will take into consideration the prevention of segregation and the elimination of the separation of children in public schools because of color, race, or nationality. All records pertaining to the creation, alteration or revision of attendance units shall be open to the public.

The State Supreme Court has ruled that the responsiblity for ensuring compliance with Section 10-21.3 rests solely with the local district. It is the responsibility of local boards, therefore, to determine when and in what manner such boundary changes should be made and to establish standards for the elimination and prevention of de facto segregation.

However, the State Board of Education, through its Equal Educational Opportunity Section, offers a full program of assistance which is available on request to any district involved in developing, adopting or putting into effect a desegregation plan to comply with Section 10-21.3 of The School Code, as well as to districts which are involved in activities to correct conditions of de jure segregation.

Illinois State Board of Education

Procedures for Implementing Section 22-19 of The School Code of Illinois

1. Authority

   1.1 The procedures are established pursuant to all pertinent authority conferred on the State Board of Education and the State Superintendent by the Constitution and Illinois statute and are based on the requirements and provisions of Chapter 122, Section 22-19, Illinois Revised Statutes.

2. Purpose

   2.1 The purpose of the procedures is to implement, in a reasonable and orderly manner, the provisions of Section 22-19 which prohibit unlawful discrimination in elementary and secondary education and which require the conduct of hearings and other action necessary to correct such discrimination.

3. Discrimination Prohibited

   3.1 No pupil shall be denied the benefits of, shall be excluded from participation in or shall be segregated in any school, educational program or activity by reason of color, race, nationality, religion or religious affiliation.

   3.2 No employee of, or applicant for employment with, any school district shall be subjected to discrimination in employment (which includes recruitment, hiring, assignment, retention, promotion, benefit and compensation practices) on account of color, race, nationality, religion or religious affiliation.

4. Requirements for Hearings on Complaints from Citizens

   4.1 General Requirement

      (a) Upon receipt of a duly executed complaint from citizens alleging discrimination prohibited under Section 22-19, the State Board of Education shall fix a date and cause a hearing to be conducted concerning such complaint.

   4.2 Filing and Processing of Complaints

      (a) Requirements for Filing Complaints

         (1) A written complaint, prepared in duplicate, must be filed with the State Board of Education.

         (2) The complaint must allege acts which would be prohibited under Section 22-19.

(3) The complaint must contain the names and addresses of at least 50 residents of the school district charged with discrimination or 10% of the residents, whichever is less.

(b) Processing of Complaints

(1) Upon receipt of a duly executed complaint, the State Board of Education will promptly mail a copy of the complaint to the secretary or clerk of the school board charged in the complaint.

(2) The State Board of Education will fix a date for a hearing upon the allegation(s) of the complaint not less than 20 days nor more than 30 days from the date of the filing of the complaint.

4.3 Notice of Opportunity for Hearing

(a) Reasonable notice of the time and place of opportunity for hearing will be mailed to the secretary or clerk of the school board charged and to the first subscriber to the complaint.

5. Requirements for Hearings Generated by the State Board of Education

5.1 General Requirement

(a) Whenever the State Board of Education has reason to believe that unlawful discrimination has occurred or is occurring, it will fix a date and cause to be conducted a hearing concerning such practices.

5.2 Reasonable Cause Determination

(a) Sources of information and data upon which the State Board of Education may base its determination of reasonable cause to believe that discrimination exists include:

(1) Statistical reports, records and other information submitted to the State Board of Education by local school districts.

(2) Information received from citizens.

(3) Agency research and analytical reports (recognition and supervision, pre-grant evaluations, program audits and assessments, etc.)

(4) Information or referral from other governmental bodies or agencies.

(b) Types of conditions and local practices that will be reviewed by the State Board on the basis of any of the classifications covered under Section 22-19:

(1) Isolation of students among school buildings within a district (assignment of students to schools).

(2) Isolation of students within school buildings (testing, grouping, tracking practices, assignment to programs and classes, extra-curricular activities, etc.).

(3) Discipline policies and procedures.

(4) Recruitment, hiring, promotion and placement of staff.

(5) Provision of an educational program appropriate to the needs of a given classification of students.

(6) Comparability of facilities and resources.

(7) Administrative policies prohibiting discrimination and procedures for guarantee of non-discrimination.

(8) Inservice training, information and other support provided to school administrators and certificated and non-certificated personnel to assist them in carrying out their responsibilities for ensuring non-discrimination in the educational program.

(9) Other demonstrable indicators of educational access, placement and benefit.

(c) Statistical findings of disparity or disproportionality on bases prohibited under Section 22-19 will constitute sufficient cause for administrative review.

(d) Desk audits will be conducted on all applicable information on file with the State Board of Education.

(e) Where necessary, additional information will be requested and secured and on-site reviews conducted.

(f) Upon determination that it has sufficient reason to believe that unlawful discrimination exists, the State Board of Education will fix a date not less than 20 days nor more than 30 days for a hearing.

5.3 Notice of Opportunity for Hearing

(a) Reasonable notice of the time and place of the hearing will be mailed to the secretary or clerk of the school board.

6. Conduct of Hearings

6.1 All hearings will be conducted in accordance with the Rules of Practice Governing Contested Cases and Other Formal Hearings, SBE 2003, filed July 9, 1980.

7. Judicial Review and Enforcement

7.1 The provisions of the "Administrative Review Act" will apply to and govern all proceedings for the judicial review of any final decision rendered by the State Board of Education pursuant to Section 22-19.

7.2 Where the State Board of Education determines that a violation exists, it will request the Attorney General to apply to the appropriate circuit court for such injunctive or other relief as may be necessary to rectify the discriminatory practice determined to exist and/or correct injury to individuals resulting from such discriminatory practices.

8. Other Actions

8.1 The State Board of Education may take such additional measures which are required as permitted by law.

Guidelines for Local Districts In Implementing
Section 10-21.3 of The School Code of Illinois,
The Armstrong Act

The Desegregation Process

The best approach to school desegregation is to follow a systematic process of planning and implementation. The following is one model you may wish to adopt in your school district. Technically, it is a model for voluntary school desegregation; however, it can easily be adapted for use in court-ordered, or other non-voluntary, desegregation efforts. In such cases, certain key steps, such as the development of goals and criteria, would be determined by outside authorities, but the sequence of necessary activities would remain essentially the same. It is also important to note at the outset that assistance is available from the Equal Educational Opportunity Section of the State Board of Education to local school districts carrying out any of the activities described in this model.

I Preliminary Steps

A. Identify one or more administrators who will assume primary responsibility for desegregation planning and implementation.

B. Establish a time table for the planning process, using an outline of activities similar to the one which follows.

C. Identify and begin to make use of internal and external resources available for desegregation planning, including regional, state and federal sources of assistance as well as local community resources.

II. Needs Assessment

A. Demographic Needs Determine the current extent of racial segregation in the district and project what future enrollment patterns would be if no corrective or preventive steps were taken.

1. Review latest fall housing and enrollment data to determine the extent to which individual schools are racially identifiable, i.e., differ significantly in their racial/ethnic composition from that of the district as a whole.

2. Compare latest housing and enrollment data with that from previous years, to establish demographic trends within individual attendance boundaries and in the district as a whole.

3. Review U.S. Census data for the census tracts within the district's boundaries, to identify demographic trends for the general population within the district and to project enrollment size and racial/ethnic composition for the next five years. The assistance of a professional demographer may be required for this activity.

B. School Facility Needs In the light of future enrollment projections and the age, condition, capacity, design and location of existing school facilities: identify any need to expand, remodel or close existing facilities; or construct new attendance centers.

C. Educational Needs Based on research by the administration, as well as input from students, staff, parents and outside consultants, identify:

1. Educational needs within the system which exist as a result of school segregation and which must be addressed in the development of the desegregation plan, for example: disparities in access to educational resources or programs for minority and white students, disparities in educational outcomes for minority and white students.

2. Other existing educational needs which the desegregation process provides an opportunity to address, for example: updating the curriculum, improving articulation between schools, making more efficient use of resources.

3. Other educational needs which are likely to arise as a result of the desegregation process itself, for example: the need to retrain staff for new assignments, maintaining community support for the school system.

III. Plan Development

A. Establish General Objectives and Criteria for the plan.

1. Identify target schools to be affected by the plan. Place highest priority on the desegregation of single-race schools. Wherever possible, avoid alteration of attendance patterns at schools which are already desegregated.

2. Establish criteria to define a desegregated school and set preliminary goals for each of the target schools. One approach which has been used effectively in both voluntary and court-ordered plans is to establish a limit, such as 10 or 15%, for the extent to which minority enrollment at individual schools may differ from the minority enrollment of the district as a whole. However, alternative criteria may be needed in districts with very high or very low percentages of minority students. Special criteria may also be needed in school districts with significant enrollments of three or more racial/ethnic groups.

3. Identify and priority rank other needs which will be addressed in the desegregation plan, based on the needs assessments described above (II B and II C).

4. Establish any limiting factors to be considered in the development of the plan, such as:

   a. maximum allowable cost of the total plan.
   b. maximum number of students to be transported.
   c. maximum distance to be traveled by students to school.
   d. maximum/minimum utilization of any school building.
   e. maximum/minimum class size.
   f. equitable distribution of any burdens of desegregation.
   g. any limits on the use of particular methods of desegregation (see below, III C 3).

   Identify which of these limits are flexible, which are not.

B. Involve the Community in the Planning Process.

1. Identify key groups within the community which should be provided an opportunity to participate, through representatives, in the planning process. Consider especially: students, parents, school staff, those racial/ethnic groups represented in the district population, civic groups, institutions of higher education, local businesses, labor unions and other public and private organizations.

2. Recruit representatives of these groups to serve on a citizens' advisory committee. This committee should be large enough to provide adequate representation to the groups identified above and to allow for the division of labor among smaller sub-committees.

   Depending on the size and diversity of the community, a minimum of 15 to 20 members may be required for effective functioning of the committee.

3. Provide as much information and direction as possible to the committee from the date of its first meeting, consistent with its independent functioning as an advisory group. Information provided should include:

   a. A general introduction to the subject of school desegregation, including some historical background, its legal basis, a survey of typical methods used, a summary of research findings on effective programs, etc.

   b. The specific desegregation-related needs which have already been identified in their school district.

   c. Preliminary objectives and criteria which have been determined by the administration for the desegregation process.

d. A clear statement of the advisory committee's charge and the limits of its responsibility and authority. This is especially important to avoid disillusionment later, in the event that the desegregation plan eventually adopted by the local board differs significantly from the recommendations of the advisory group.

e. A general time table and suggested method of procedure for the committee's activities.

f. A list of resources available to the committee for support in its work.

4. If possible, provide some outside consultant services to the citizens' advisory committee as well as to the administrative staff during the planning period.

5. Establish an effective system for coordinating the efforts of the administrative planners and the citizens' advisory committee.

6. Provide opportunities for the members of the committee to meet with citizens and school personnel from other local districts which have already been through the desegregation process, including, if possible, on-site visits to the other district by some members of the committee.

7. Provide adequate opportunities for input and inquiry by citizens who are not members of the Advisory Committee, by means of:

   a. Open meetings
   b. Newsletters
   c. Opinion surveys
   d. A telephone information line.

C. Develop Several Alternative Desegregation Plans

1. Prepare a pupil locator map indicating place of residence, race, grade level and school assignment of each pupil and showing existing attendance boundaries for each school.

2. Prepare any other maps or charts which may be useful in desegregation planning, such as: district maps showing general patterns of population distribution, student transportation routes, public transportation routes, summary sheets of latest housing and enrollment data, tables showing the number of students who would have to transfer in or out of each school to reach various percentages of minority enrollment, etc.

3. If possible, program the data described above into a computer for processing. Conventional Data Base, Spreadsheet, and other readily available programs can be used to facilicate much of the planning process. Moreover, special desegregation planning programs have also been developed and are available from several public and private sources. (To the extent that resources permit, the State Board of Education is prepared to assist local districts by providing the services of consultants with experience in this area.)

4. Make a preliminary study of the feasibility of each of the established approaches to school desegregation, as well as combinations of these approaches, which include:

    a. Redrawing school attendance lines.
    b. Reassigning some students without redrawing attendance boundaries, looking first at those students who are already being transported to their assigned school, or who must walk a relatively long distance to their school.

    c. Reorganizing the district grade structure, e.g., changing from a K-8 elementary system to a K-5 or K-6 system with middle schools which draw students from a wider geographic area.

    d. Pairing schools, e.g., combining the attendance areas of two K-8 elementary schools and establishing one as a K-4 center for all students within the combined area and the other as a 5-8 center.

    e. Clustering schools, e.g., combining the attendance areas of three K-8 elementary schools and establishing the first as a K-2 center, the second as a 3-5 center and the third as a 6-8 center.

    f. Establishing one or more "magnet schools," which attract students from all parts of the district, who volunteer to transfer in order to take advantage of the school's unique program.

    g. Closing outdated or unneeded schools and reassigning students to other schools where their attendance will promote desegregation.

    h. Constructing new schools on sites which provide convenient access to students from racially diverse neighborhoods, or expanding existing buildings to permit transfers of additional students for the purpose of desegregation.

i. Establishing open enrollment policies, which permit students to transfer to schools with excess capacity, where such transfers will have a desegregative effect.

5. After reviewing all possible approaches to desegregation in the light of local needs, objectives and limiting factors, select several of the most promising for in-depth study. The concrete application of each method in the local district should be evaluated in terms of the following factors:

   a. Immediate and long-term impact on racial segregation.
   b. Effectiveness in meeting other identified needs.
   c. Acceptability to students, parents, staff and the community at large.
   d. Efficiency in use of district resources, including: staff, physical facilities, educational equipment and materials.
   e. Impact on student transportation: number of students to be transported, average time/distance to be traveled, total transportation costs.
   f. Impact on the educational program: revisions which would be necessary, opportunities for desired changes which would become available.
   g. Impact on staff: need to increase or reduce total staff, reassign staff, enhance affirmative action efforts, retrain teachers and administrators for new responsibilities.
   h. Equity in the distribution of the general educational resources of the district, the benefits of desegregation and any burdens occasioned by desegregation.
   i. Total financial impact of the plan: weigh additional costs to be incurred against economies which could be realized and any additional resources for which the district would qualify by virtue of its desegregated status.

6. Prepare a final report for submission to the local board of education, including: an overview of the planning process, clear descriptions of the most feasible desegregation approaches which have been identified and the strengths and weaknesses of each in terms of the factors outlined above, any recommendations for the adoption of one of the options and an independent report or collection of comments from the members of the citizens' advisory committee.

IV Plan Adoption

A. The local board of education receives and reviews the desegregation planning report, adopts one of the proposed plans as presented or with amendments, and sets a preliminary schedule for implementation.

B. Regional, state and federal school authorities are advised of the local board's decision and information requested concerning available assistance.

C. A bulletin is printed for local distribution, describing the plan, explaining its purposes and advising citizens where to address any questions.

D. At least one public meeting is held to provide citizens with information and answer their questions.

E. A series of meetings are held for school staff, to inform them about the plan and clarify their responsibilities in the periods before, during and after the plan is implemented.

V Plan Implementation

A. Expand the original desegregation plan into a comprehensive implementation plan.

   a. Clarify the details of all primary desegregation activities, such as student reassignments.
   b. Incorporate secondary activities into the plan, such as curriculum revision, staff training or community relations activities.
   c. Assign responsibility for individual components to specific staff members.
   d. Develop a detailed time schedule for all activities.
   e. Develop and submit letters of request or formal proposals to outside agencies which provide assistance to local districts engaged in desegregation activities.

B. Implement the plan on schedule.

C. Maintain a desegregation information line during at least the first semester of plan implementation, to respond to questions and concerns of students, parents, staff and the community at large.

VI Post-Implementation Activities

A. Annually evaluate the effectiveness of the plan in terms of its primary goal of eliminating or preventing segregation and any secondary goals which have been established.

B. Modify the plan as needed to meet its original objectives; however, avoid changing boundary lines or student assignment patterns too frequently. The resulting disruption and confusion may be more detrimental than to maintain a desegregation plan for several years which is less than 100% effective.

C. Periodically conduct assessments of desegregation-related needs, such as:

1. Human relation problems in the schools.
2. Community relations problems.
3. Resegregation of students within the classrooms of desegregated schools.
4. Segregation of school activities.
5. Disproportionate representation of minority students in the special education program as a whole or in specific categories of special education.
6. Disproportionate disciplinary actions against minority students.
7. Lack of skills needed by teachers to function effectively in desegregated classrooms.
8. Lack of appropriate curricula for desegregated schools.

D. Develop policies and programs to address the problems identified in the needs assessment. Make full use of outside sources of assistance, such as the Equal Educational Opportunity Section of the State Board of Education.

Illinois State Board of Education
Equal Educational Opportunity Section
Race Desegregation Assistance Services

The Equal Educational Opportunity Section is funded under Title IV of the Civil Rights Act of 1964 and the Chapter II (Block Grant) program to provide assistance to local elementary and secondary schools in the following activities:

1. The preparation, adoption or implementation of plans to correct conditions of racial segregation or discrimination in schools.

2. The identification, prevention or correction of educational problems that have arisen, or may arise, from the implementation of a desegregation plan.

3. The development of methods of encouraging student, parent and community support for, and involvement in, the desegregation process.

4. The recruitment of members of racial and ethnic minority groups for employment in public schools.

5. The development of activities to improve human relations in schools.

6. The training of school personnel to improve the skills needed to perform effectively in desegregated schools.

7. The identification of other sources of state and federal assistance to local districts involved in school desegregation or related activities.

For additional information about these services, which are provided without cost to local school districts, contact:

Equal Educational Opportunity Section
Illinois State Board of Education
188 West Randolph Street
Chicago, Illinois 60601
(312)793-3226

2078C

APPENDIX A

Statement of Edward Copeland
Chairman State of Illinois Board of Education
November 18, 1982

During the past seven years the State Board of Education has worked with many local school districts throughout the State of Illinois to prevent discrimination and eliminate racial segregation in schools. To our great satisfaction, substantial progress has occurred and many children are in improved educational settings because of our efforts. But the task is not completed and the State Board along with the local school districts in the State of Illinois must continue to work toward the day when racial discrimination in our schools has disappeared.

No school in Illinois should be permitted to practice racial discrimination by way of assignments to schools, classrooms and programs or through use of discipline. No school in Illinois should be permitted to practice racial discrimination in the hiring or assignment of its teachers. The segregation of the 80's is often within a school and does not necessarily require busing of students to be corrrected. When segregation occurs between schools, it can often be corrected through boundary changes, magnet schools, school closings, new construction or minimal busing. I am confident that all problems regarding segregation can be solved - and many even prevented - by state and local schools officials working together in the best interests of the communities and students we all serve.

Two school districts, Aurora East #131 and Chicago Heights #170, challenged the authority of the State Board of Education to issue rules to prevent and eliminate segregation under the Armstrong Act. The Armstrong Act provides in part that attendance centers shall be changed or created in a manner to take into consideration the prevention of segregation of children in public schools because of color, race or nationality.

The Supreme Court of the State of Illinois has recently ruled that the State Board of Education does not have the authority to issue such rules under the Armstrong Act. In that decision the court went on to say that it is "clear that the legislature has charged the local districts with the responsibility of enforcing the Armstrong Act." Further the court said that "promulgating rules relative thereto should be the duty of the local school boards." I expect that the local school boards will fulfill this duty which has now been confirmed by the Supreme Court. I now instruct the staff of the State Board of Education to develop model procedures and guidelines which we may submit to the local districts for their consideration for compliance with the Armstrong Act.

The Supreme Court went on to say in its decision that the Illinois legislature did establish a procedure by which the State Board of Education could combat segregation in Section 22-19 of the School Code. Section 22-19 authorizes the State Board of Education to investigate districts suspected of maintaining segregation, and to refer complaints to the Attorney General for prosecution. Section 22-19 establishes the procedure for the State

the State Board of Education to develop procedures and guidelines for the implementation of Section 22-19 to fulfill our responsibilities under the law.

In addition to its duty under state law, the State Board of Education has a responsibility under the Fourteenth Amendment of the United States Constitution and federal law to ensure that the schools in our state are operated free from racial discrimination. Fulfilling the Board's constitutional responsibilities is particularly important now, because the federal government is deemphasizing its civil rights enforcement program and depending more heavily on state enforcement. Federal courts are increasingly holding states liable for civil rights violations committed by local school districts.

The State Board of Education has the authority and the responsibility to eliminate discrimination and segregation in schools. The State Board is committed to the principle of equal educational opportunity for all the school children of Illinois and to the policy of desegregation which has been adopted in this State which we will continue to pursue with all our efforts. That commitment has been carried out in many local school districts in Illinois through our joint efforts with the education professionals and the local boards. We shall continue to work cooperatively with those many school districts in the State of Illinois which are sincerely and diligently pursuing desegregation in the local school districts. However, let it be clear to all that the State Board of Education will continue to vigorously pursue all remedies available under the law, including our existing administrative powers as confirmed by the Supreme Court and our power of legislative recommendation, to abolish segregation. The State Board has already taken the initiative to establish a study group of Illinois citizens to consider the issue of Equal Educational Opportunity in the 80's and I would expect that they shall provide a basis for further action and recommendations.

Now that the court has clarified the role and the duty of the State Board of Education, we must proceed with the business of assuring equal educational opportunity for all children. As we have learned since the days when segregation itself was the law of the land, separate educational facilities can never be equal. Needless to say, the concern of the Illinois State Board of Education has been and shall continue to be for the schools of Illinois to provide equal educational opportunity for all children regardless of race, national origin, sex or handicap.

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